

REMARKS

Claims 12, 13, 15, 16 and 18-24 are pending. Claim 24 has been amended. Support for the amendments in claim 24 can be found at, for example, page 6, lines 7-9 of the specification. No new matter or issues has been added. Claim 24 has essentially been amended to recite a method for treating hair including applying to hair the composition of claim 12.

Applicants thank the Examiner for indicating that claims 12, 13, 15, 16 and 18-23 are allowable.

CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. § 103(a)

The Examiner has rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,113,815 to Elfersy et al. ("Elfersy"). See Office Action at page 2.

Claim 24 has essentially been amended to recite a method for treating hair including applying to hair the composition of claim 12. Specifically, the cosmetic composition includes an organosilicon compound, the organosilicon compound being a silane having one silicon atom having the formula (I) in which R' represents a halogen or an OR₁ group, R'' represents a halogen or an OR₂ group, R₁ and R₂ represent, independently of each other, hydrogen or C₁-C₁₂ alkyl, C₆-C₁₄ aryl, (C₁-C₈ alkyl)(C₆-C₁₄ aryl) or (C₆-C₁₄ aryl)(C₁-C₈ alkyl) group, R₃ is a nonhydrolyzable functional group with a cosmetic effect that is a coloring, or reducing effect, and R₄ is a nonhydrolyzable functional group with a solubilizing function, or a siloxane having two or three silicon atoms and having at least two hydroxyl or hydrolyzable groups and at least two nonhydrolyzable functional groups per molecule, at least one of the nonhydrolyzable functional groups being a group with a cosmetic effect that is a coloring, UV-stabilizing, antibacterial, antifungal or reducing effect, and at least one of the other nonhydrolyzable functional groups being a group with a solubilizing function. See amended claim 24.

Elfersy teaches that "compounds having at least one ether group and hydroxyl or ester functionality, stabilize aqueous organosilane solutions." See col. 3, lines 6-9 of Elfersy. Elfersy further teaches a "the product formed from mixing an organosilane of the formula R_nSiX_{4-n} where n is an integer of from 0 to 3, preferably 0 to 2; each R is, independently, a

nonhydrolyzable organic group; and each X is, independently, a hydrolyzable group ..., with an ether, where the ether is of the formula R—O—R, where R is, independently an organic group and where the ether either has either a hydroxy functionality or a carboxylic ester functionality.” See col. 3, lines 22-30 of Elfersy. Elfersy also teaches aqueous compositions comprising said product. See col. 3, lines 31-33 of Elfersy. Elfersy further teaches methods of antimicrobially treating a substrate. See Abstract of Elfersy.

Elfersy does not teach or suggest a method of treating hair that includes applying to hair an effective amount of a cosmetic composition of amended claim 24. There is no suggestion or motivation in Elfersy to use organosilanes on hair that include nonhydrolyzable functional group with a cosmetic effect that is a coloring or reducing effect. See claim 24. Elfersy also does not teach or suggest using organosilane compounds that include a siloxane having two or three silicon atoms. See claim 24.

Accordingly, claim 24 is patentable over Elfersy. Applicants respectfully request the withdrawal of the rejection.

CONCLUSION

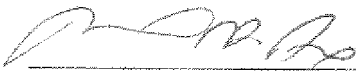
For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims now pending are in condition for allowance.

A petition for a three-month extension of time is attached.

Should any further fees be required by the present Reply, the Commissioner is hereby authorized to charge Deposit Account **19-4293**.

Respectfully submitted,

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